



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,824	10/16/2003	Michael R. Furst	A2486Q-US-NP XERZ 2 01278	8480
62095	7590	07/24/2008	EXAMINER	
FAY SHARPE / XEROX - ROCHESTER 1100 SUPERIOR AVE. SUITE 700 CLEVELAND, OH 44114			RICHARDSON, THOMAS W	
ART UNIT		PAPER NUMBER		
2144				
MAIL DATE		DELIVERY MODE		
07/24/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/686,824	Applicant(s) FURST ET AL.
	Examiner THOMAS RICHARDSON	Art Unit 2144

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 04 April 2008.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-11,13 and 15-33 is/are pending in the application.
- 4a) Of the above claim(s) 25-33 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-11,13 and 15-24 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) 25-33 are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/06)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) Notice of Informal Patent Application
- 6) Other: _____

DETAILED ACTION

Claims 1-33 are pending for examination.

Claims 25-33 are withdrawn as being non-elected.

Claims 12 and 14 are cancelled.

Claims 1, 7, 8, 10, 13, 15-18, and 23 are amended.

Claims 1-11, 13, and 15-24 are rejected.

Specification

Replacement specification was received 04 April 2008 and is accepted.

Response to Arguments

1. Applicant's arguments with respect to claims 1 and 10 have been considered but are moot in view of the new ground(s) of rejection. In arguments, attorney claims the citation of allowable subject matter. However, Interview Summary from examiner dated 10 April 2008 cites that no agreement toward patentability was reached. During telephonic interview taking place on 03 April 2008, examiner acknowledged that amendments as discussed and filed would traverse current rejection under U.S.C 102(e). Original claims 12 and 14 recited limitations added into independent claims 10 and 1, respectively, and were rejected in the first Office Action under U.S.C 103(a). As the scope of the claims has not changed, examiner maintains previous rejection of claims with amended limitations.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Art Unit: 2144

3. Claims 1-9 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 7 003 560, Mullen et al and US 2002/0047839, Miida et al.

4. As per claim 1, Mullen teaches an add-on component service subscription method comprising:

providing a device model agent (DMA) including a service manager, the DMA and service manager being in communication with a device for which the DMA provides at least one service (Column 42, lines 43-48, where the event/data generation services interact with all the managed components);

checking in with a services host to see if new transactions are waiting for the device (Column 42, lines 52-54, where the service performs several functions related to the managed device); and

if a new transaction awaits the device, notifying a device user (Column 42, lines 57-63, where the system notifies a user if the predetermined event thresholds are exceeded).

Mullen does not teach a specific supply replenishment system, but does teach that the system manages print services (Column 39, lines 49-56). Miida teaches a system for collecting and providing information, such that the system provides a core service for collecting information (abstract, where the service sends the status information):

wherein providing at least one core service comprises providing a supplies replenishment service (Page 11, paragraph [0274], where the message in regarding expendable supplies, such as toner).

It would have been obvious to one of ordinary skill in the art at the time of the invention to include a supply manager such as that taught by Miida in a management system such as that taught by Mullen. The supply manager taught by Miida provides benefits to the user, as it provides a message to the user of the remaining life of the printer toner, so that purchases and replacements can be made as necessary (Miida, abstract). This would be beneficial in any computer system, as it would allow for greater system efficiency and convenience to the user (Miida, Page 2, paragraph [0040]). This manager would be beneficial in the system taught by Mullen, as it would allow the management system to oversee another aspect of the network.

5. As per claim 2, Mullen further teaches checking in occurs on a periodic basis (Column 42, lines 14-22, where the core management often polls the event/data generators for information, such as on a time of day basis).

6. As per claim 3, Mullen further teaches that a user can initiate checking in (Column 27, lines 38-41, where automated or manual processes can be used to collect metadata from the database management system).

7. As per claim 4, Mullen further teaches providing user selection elements including an acceptance element (Column 28, lines 55-58, where the distribution is created through a point and click interface, inherently requiring a user selection through the interface).

8. As per claim 5, Mullen further teaches, in response to user selection of the acceptance element, creating an acceptance transaction to send to the services host (Column 28, lines 55-63, where the distribution is created through a point and click

interface, the creation inherently creating a transaction to create a distribution from the user selection and acceptance).

9. As per claim 6, Mullen further teaches providing a user interface (UI) including an upgrade status screen (Column 28, lines 55-59, where the distribution is created by selecting the files and scripts through a user interface, which serves as a status screen for the device).

10. As per claim 7, Mullen further teaches that the new transaction is a new software transaction and the method further comprises receiving the accepted new software, installing the accepted new software, and rebooting the system hosting the accepted new software (Column 29, lines 5-14, where the distribution employs a pull install strategy that downloads pending updates from a server and forces user log-off to install updates).

11. As per claim 8, Mullen further teaches saving software that is being upgraded (Column 29, lines 22-35, where the distribution involves staging, where two copies of data reside on the machine with only one in use until the cross over date, showing that the data is saved on the updating machine).

12. As per claim 9, Mullen further teaches checking in comprises encrypting communications (Column 37, lines 7-16, where the security services include cryptographic tools for public key encryption).

13. As per claim 15, Miida further teaches that the supplies replenishment service is a subscribed service that tracks at least one of toner usage, area coverage, and toner bottle change events to ensure timely and accurate delivery of supplies to the user

(Page 11, paragraph [0274], where the message is regarding expendable supplies, such as toner).

14. Claims 10, 11, 13, 16, 17, and 19-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 7 003 560, Mullen et al and US 7 123 608, Scott et al.
15. As per claim 10, Mullen teaches a service provision method comprising:
 - providing at least one core service (Column 41, lines 62-67, where the operations architecture consists of different tools which supply services such as core management and event generation);
 - providing a DMA including a service manager (abstract, where the computing system includes a plurality of management tools);
 - providing a services layer in which services can run (Column 21, lines 30-36, where the management tools define and manage levels of service); and
 - providing a communications medium which the service manager can use to communicate with a services host (Figure 2A, where the system is connected through a network).

Mullen does not teach an explicit billing utility. He does teach a license management tool, which provides license reports for client program usage (Column 33, line 66 to column 34, line 10). Scott teaches a system for managing database service that provides service modules and services:

wherein providing at least one core service comprises providing an automatic billing service (Column 110, lines 1-8, where the account records keep real-time billing information).

It would have been obvious to one of ordinary skill in the art at the time of the invention to include billing service such as that taught by Scott in the management system as taught by Mullen. Mullen teaches that the management system can keep track of program usage and licensing reports, and that those statistics can be used to save money for a company (Column 33, line 66 to column 34, line 10). Scott's billing system would further automate the process, making it more efficient and simpler, by including a billing service that could charge for the license usage collected in Mullen's management system.

16. As per claim 11, Mullen further teaches providing at least one core service comprises providing at least one diagnostic routine (Column 31, lines 62-67, where the fault and recovery management tools include diagnostic tools).

17. As per claim 13, Scott further teaches that the automatic billing service is a subscribed service that reports at least one billing meter to the services host (Column 110, lines 1-8, where the account record serves as a billing meter).

18. As per claim 16, Mullen further teaches providing at least one core service comprises providing a remote monitoring service (Column 3, lines 27-34, where the monitoring and tuning tool monitors applications and devices connected to the warehouse system).

19. As per claim 17, Mullen further teaches that the remote monitoring service is a subscribed service that periodically performs a method comprising gathering a configurable set of data, modeling the data, and sending the data to the services host for monitoring (Column 15, lines 51-67, where the analysis and design tools are used to

capture, analyze, and prioritize the requirements of the application and transform them into a definition suitable for construction and modeling).

20. As per claim 19, Mullen further teaches that the at least one set of core services comprises at least one maintenance service (Column 15, lines 48-51, where the system building tools are used to maintain and monitor applications used).

21. As per claim 20, Mullen teaches further teaches that the at least one maintenance service comprises a DMA housekeeping service (Column 15, lines 48-51, where the system building tools are used to maintain and monitor applications used on the warehouse system).

22. As per claim 21, Mullen further teaches that the at least one maintenance service comprises a device health monitor service (Column 13, line 64 to column 14, line 2, where the quality function development tools monitor for reliability, usability, and efficiency of the device).

23. As per claim 22, Mullen further teaches that the at least one maintenance service comprises a DMA to IOT communication status monitor service (Column 31, lines 62-67, where the fault management and recovery management tools monitor and report on network traffic).

24. As per claim 23, Mullen further teaches that the at least one maintenance service comprises a services synchronization service that periodically checks back with a services host to see if there are new instructions or activities the DMA should be doing (Column 3, lines 44-55, also column 39, lines 32-48, where the production control application controls and synchronizes events).

Art Unit: 2144

25. As per claim 24, Mullen further teaches providing a transaction log accessible to a user for inspection of messages sent from the device (Column 29, line 65 to column 30, line 9, where the software distribution tool

26. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 7 003 560, Mullen et al and US 7 123 608, Scott et al as applied to claim 17 above, and further in view of US 2002/0047839, Miida et al.

27. As per claim 18, neither Mullen nor Scott expressly teaches a specific supply replenishment system, but Mullen does teach that the system manages print services (Column 39, lines 49-56). Miida teaches a system for collecting and providing information, such that the system provides a core service for collecting information (abstract, where the service sends the status information):

wherein the set of data comprises at least one of billing meters, IOT faults, media path jams, image area coverage, characteristics of media used, feature usage, toner status, simplex/duplex quantities, media tray usage, reduction and enlargement, copy modes, and High-Frequency Service Items status (Page 11, paragraph [0274], where the message is regarding expendable supplies, such as toner).

It would have been obvious to one of ordinary skill in the art at the time of the invention to include a supply manager such as that taught by Miida in a management system such as that taught by Mullen. The supply manager taught by Miida provides benefits to the user, as it provides a message to the user of the remaining life of the printer toner, so that purchases and replacements can be made as necessary (Miida, abstract). This would be beneficial in any computer system, as it would allow for greater system

efficiency and convenience to the user (Miida, Page 2, paragraph [0040]). This manager would be beneficial in the system taught by Mullen, as it would allow the management system to oversee another aspect of the network.

Conclusion

28. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to THOMAS RICHARDSON whose telephone number is (571) 270-1191. The examiner can normally be reached on Monday through Thursday, 8am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on (571) 272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Paul H Kang/
Primary Examiner, Art Unit 2144

TR
7/9/2008